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Patent
Case No.: 59405US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: BURTON, SCOTT A.
Application No.: 10/728439 Group Art Unit: 1714
Filed: December 5, 2003 Examiner: Vickey Ronesi
Title: POLYMER COMPOSITIONS WITH BIOACTIVE AGENT, MEDICAL ARTICLES,
AND METHODS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]	
I hereby certify that this correspondence is being:	
<input checked="" type="checkbox"/>	transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.
<i>Aug. 22, 2005</i>	<i>Carrie M. Arcand</i>
Date	Signed by: Carrie M. Arcand

Dear Sir:

This is in response to the Office Action mailed July 22, 2005. Claims 1-93 are pending. Claims 1-93 were restricted under 35 USC § 121 as follows:

- I. Claims 1-59, 62-66, 70-72 and 75-88 are said to be drawn to a polymer composition, classified in Class 523, subclass 122;
- II. Claims 60, 61, 67-69, 73, 74 and 89-93 are said to be drawn to medical article, classified in Class 427, subclass 2.31;

Applicants elect to prosecute Group I (Claims 1-59, 62-66, 70-72 and 75-88) without traverse.

Further, the Examiner requested that Applicants select a species for prosecution on the merits. For purposes of the election requirement, the Examiner requested that Applicants elect a hydrophilic polymer. Pursuant to the Examiner's request regarding the selection of species, Applicants elect with traverse the quaternary ammonium salt of an organic polymer of claim 5, which are encompassed by the claims of Group I.

The Examiner is requested to note that MPEP 809.02 provides that "when a generic claim is subsequently held to be allowable . . . and all claims are embraced by an allowable generic

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claim . . . Applicant should be advised of the allowable generic claim and that the claims to the non-elected species are no longer withdrawn since they are fully embraced by the allowed generic claim." Thus, the election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few related species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

August 22, 2005
Date

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